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Olympia, Washington 98501
Friday, October 05, 2001

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Mitchel Sachs, Stewart Johnston
Assistant Attorneys General
State of Washington, Labor & Personnel Division
905 Plum Street, South East, Building 3
Olympia, Washington 98501

OFFICE OF THE ATTORNEY GENERAL
LABOR & PERSONNEL DIVISION

RE: Case # C98-5262 JOINT STATUS REPORT

Dear Sirs:

This letter is in regard to the Order Re Joint Status Report, dated August 22, 2001. The order requires that I initiate the communication necessary to prepare the Joint Status Report. I have done so via a letter delivered to your office on Friday, September 21, 2001.

The Order also emphasizes that separate status reports are not to be filed. I have had no answer from your office in reply to the letter delivered September 21st. As I have no means to compel your office to respond, I may be forced to appeal to the court to do so. Above all, I wish to avoid a recurrence of events similar to those of November, 1998.

To recaps those events briefly: On November 16, 1998, I served your office with the Order RE Joint status Report dated November 9th, 1998, and a letter stating that a Joint Status Report was required by the court by November 30th, 1998. At 10:30 on November 30th, 1998, Sharon Kozar left a voice mail at my home telephone number stating that we should "get going on that" and asking me to come to your office. At 11:30 that same day, I telephoned your office and left a message on Sharon Kozar's voice mail to the effect that I would be able to meet at 1:00 p.m. and must leave at 1:30, due to the late notice your office had given me and to the fact that I was required to file the report in Tacoma by 4:30 that same day and had no private vehicle. I also stopped by your office briefly to deliver a letter to this effect. At 1:30, as no one from your office had contacted me, I called there again and was told by the receptionist that Sharon Kozar had left for the day and that Stuart Johnston was unavailable. I was then compelled to file a separate status report. No status report was filed by your office at that time.



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Both parties were threatened with sanctions for failing to file a joint status report. In answer, I filed a true account of the efforts I had made to comply with the court's Order. My answer included copies of those letters I had sent to your office concerning this matter, copies of which, stamped as received by your office, I had also mailed to the court within a day of service on your office. Your office filed a sworn affidavit by Sharon Kozar, falsely alleging that she had spoken with me in person on November 30, 1998, an account contradicted by Mr. Johnston's unsworn declaration and by Ms. Kozar's own message left on my voice mail at 10:30 on November 30th, 1998. That message remains available for review by the court.

Neither Mr. Johnston's unsworn declaration nor Ms. Kozar's sworn affidavit contradicted the fact that your office did not respond to my letters until 10:30 on the morning I was required to file the status report at a location three hours away by public transportation. The court has repeatedly stated that pro se litigants are to be granted no leniency due to the lack of legal representation. However, Judge Burgess has also stated, in the Order RE: Defendant's Motion for Extension of Time to File Response to Plaintiff's Motion for Injunctive Relief:

"I expect no less than the parties' strict adherence to the Court's deadline formulation as it is critical to maximize the efficient and speedy resolution of civil disputes. This is particularly important when, as here, a pro se litigant's claim against the State is involved. I will not allow the State to impose inconvenience upon a pro se opponent or unfairly disadvantage consideration of a pro se complaint."

I am again requesting that your office contact me to arrange a conference for the purpose of filing a Joint Status Report by October 22nd, 2001. I am requesting as well that the conference not be held as it was when finally scheduled by your office on December 8th, 1998. As you may recall, I was compelled to sit in the hallway in your office's reception area, given a report written by your office to review and visited there occasionally by Mr. Johnston to discuss additions or changes to your office's report. I believe that a conference held in such a manner as to allow both parties full opportunity to participate would best answer the intent of the court's Order.

Sincerely,



Kathleen M. House

cc: Clerk, United State District Court at Tacoma